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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,334	03/01/2004	Gi Youl Kim	40004551-0025-002	2408
26263 7590 08/05/2008 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080				
EXAMINER				
TUROC, DAVID P				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
08/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,334

Applicant(s)

KIM ET AL.

Examiner

DAVID TUROCY

Art Unit

1792

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 9/6/05, 1/13/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-18, 25-33 in the reply filed on 5/21/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Response to Amendment

2. Applicants amendments, filed concurrently with election response dated 5/21/2008, have been fully considered and reviewed by the examiner. The examiner notes the cancellation of non-elected claims 19-24 and 34-39. Claims 1-18 and 25-33 are pending in the instant application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-18, 25-33 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Publication 20020160585 by Park et al., hereafter Park.

Park discloses a method for forming a film by ALD method including exposing the first precursor dose to the substrate, thereafter exposing the wafer

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to the second chemically reactive group to provide a uniform coating (figures, 0086). Park discloses supplying a first and second reactant without a purge, multiple times, and discloses a first reactant for 0.5 seconds and a second reactant for 1 second (0086, figures). Park discloses TMA and H₂O as the reactants respectively (0086).

Park fails to disclose a dose of the first or second precursor insufficient to result in maximum deposition rate or starved deposition. However, the Park teaches each and every process step and limitation of the applicant's claims, including the length of time for introducing the precursors into the process chamber as well as the claimed reactants. Since the dose insufficient to result in maximum deposition by the applicant's claimed process is disclosed in the disclosure as simply a function of the precursors utilized and the length of pulses, and Park teaches the claimed process steps, Park would have inherently produced a dose insufficient to result in maximum deposition unless essential process steps and/or limitations are missing from the applicant's claims.

Claims 2-3: These claims are discussed above.

Claims 4-6: Park discloses repeating first and second precursor pulses without a purge between them (0086).

Claim 7: Park discloses a time period and

Claims 8-9: Park discloses purging between reactive gases is known and suitable in the ALD art (0022). The selection of something based on its known suitability for its intended use has been held to support a *prima facie* case of

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obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

Claim 10: Park discloses a precursor that is insufficient to result in saturating deposition on the wafer (0086).

Claim 11: Park discloses TMA and H₂O as the reactants respectively (0086).

Claim 12: Park discloses 350°C (0086).

Claim 13-14: Park discloses 20 mTorr (0086) and discloses 230 mTorr (0022) as ALD deposition operable pressures using TMA and H₂O. The selection of something based on its known suitability for its intended use has been held to support a *prima facie* case of obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

Claim 15-16: Park discloses a first reactant for 0.5 seconds and a second reactant for 1 second (0086).

Claim 17: Park discloses delivering reactants substantially uniformly over the wafer (figures).

Claim 18: Park discloses repetition of first and second reactants (0086).

Claim 25: Park discloses all that is taught above, as for the requirement regarding the second precursor exhibiting saturating characteristics, however, as discussed above, Park discloses the claimed TMA and H₂O and therefore at least the first precursor exhibits saturating characteristics as required by the claim. Park fails to disclose the requirement of film growth rate at a maximum value. However, the Park teaches each and every process step and limitation of the

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applicant's claims, including the length of time for introducing the precursors into the process chamber as well as the claimed reactants. Since the dose that results in maximum growth rate as in the applicant's claimed process is disclosed as simply a function of the precursors utilized and the length of pulses, and Park teaches the claimed process steps (including equivalent times and process gases), Park would have inherently produced a dose sufficient to results in a film growth rate at a maximum value unless essential process steps and/or limitations are missing from the applicant's claims.

Claim 26, 28-33: Park teaches the claims limitations as discussed above.

Claim 27: Park discloses no delay in first and second precursors (figure 3).

5. Claims 1-2, 8-13, 18 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent 6458416 by Derderian, hereafter Derderian.

Derderian discloses a method for forming a film by ALD method including supplying a first dose of a first precursor that is insufficient to result in maximum saturation, and a second precursor to form a uniform film (see figures).

Claim 2: Derderian discloses a second precursor insufficient to result in maximum ALD deposition rate (See figures).

Claims 8-9: Derderian discloses purging between the process gases (Column 6, lines 20-38).

Claim 10: Derderian discloses a third precursor that is not sufficient to result in chemical saturating deposition (figures).

Claim 11-13: Derderian discloses TMA and H₂O at a temperature of 300°C and a pressure of 200 mTorr (Column 6, lines 20-38).

Claim 18: Derderian discloses repeating the process to form a film (Column 6, lines 20-38 for example).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID TUROCY whose telephone number is (571)272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Turocy/
Patent Examiner, Art Unit 1792